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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
11 **OAKLAND DIVISION**

12  
13 STATE OF CALIFORNIA, *et al.*,

14 Plaintiffs,

15 v.

16 JOSEPH R. BIDEN, JR., *et al.*,

17 Defendants.  
18

No. 4:19-cv-00872-HSG

No. 4:20-cv-01563-HSG

**JOINT STATUS REPORT  
ADDRESSING FURTHER  
PROCEEDINGS INVOLVING  
THE STATE OF WISCONSIN**

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20 In accordance with this Court's Order dated June 13, 2023, Plaintiff State of Wisconsin  
21 and Defendants submit the following joint status report addressing proceedings in the above-  
22 captioned cases.

23 As the Court is aware, the State of Wisconsin did not join the settlement agreement  
24 recently filed by all other remaining parties or the corresponding motion to voluntarily dismiss.  
25 Rather, the State of Wisconsin has a statute in effect that requires a legislative committee's  
26 approval before the Wisconsin Department of Justice may compromise or discontinue certain  
27 civil actions brought by the State. The relevant statute is Wis. Stat. § 165.08(1), which provides  
28 that "Any civil action prosecuted by the [Wisconsin Department of Justice] . . . may be

1 compromised or discontinued . . . by submission of a proposed plan to the [Wisconsin  
2 Legislature’s] joint committee on finance for the approval of the committee. The compromise or  
3 discontinuance may occur only if the joint committee on finance approves the proposed plan.”

4 Following the other parties’ submission of their finalized settlement to the Court, the  
5 Wisconsin Department of Justice, representing the State of Wisconsin, submitted a request to the  
6 Legislature’s Joint Committee on Finance for authorization to discontinue Wisconsin’s  
7 participation in this case.<sup>1</sup> A copy of Wisconsin DOJ’s submission to the Joint Committee is  
8 enclosed with this report. As stated in the report, Wisconsin DOJ has proposed filing a motion  
9 for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(2), and has requested a response from  
10 the Committee as soon as possible in light of the dismissal of all other parties and claims in the  
11 cases.

12 As of this writing, undersigned counsel is not aware that the Joint Committee has  
13 scheduled a hearing on the proposed plan for discontinuance. The Joint Committee’s calendar is  
14 available here: [https://committeeschedule.legis.wisconsin.gov/?StartDate=2023-07-](https://committeeschedule.legis.wisconsin.gov/?StartDate=2023-07-20&CommitteeID=2640&CommItemVisibleName=-1&TopicID=-1&ViewType=listMonth&ReloadCache=True)  
15 [20&CommitteeID=2640&CommItemVisibleName=-1&TopicID=-](https://committeeschedule.legis.wisconsin.gov/?StartDate=2023-07-20&CommitteeID=2640&CommItemVisibleName=-1&TopicID=-1&ViewType=listMonth&ReloadCache=True)  
16 [1&ViewType=listMonth&ReloadCache=True](https://committeeschedule.legis.wisconsin.gov/?StartDate=2023-07-20&CommitteeID=2640&CommItemVisibleName=-1&TopicID=-1&ViewType=listMonth&ReloadCache=True)

17 Based on the foregoing, the parties request that the Court continue the stay of these cases  
18 for an additional 45 days while the Wisconsin Legislature’s Joint Committee on Finance  
19 considers the proposed plan for voluntary dismissal.

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26 <sup>1</sup> The timing of the submission to the Joint Committee on Finance was based on the fact  
27 that the Committee does not maintain confidentiality of submissions regarding proposed  
28 settlements; thus, submitting the other parties’ unfinalized settlement agreement to the  
Committee would have made public that agreement before all parties obtained final approval to  
enter the agreement.

DATE: July 24, 2023

Respectfully submitted,

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